

REMARKS

This case has been carefully reviewed and analyzed in view of both the Office Action dated 8 August 2007 and the Board's Decision on Request for Rehearing mailed 5 March 2010. In view of the Board's Decision, and the affirmed portion of the rejections set forth in the 8 August 2007 Office Action, each of the currently pending Claims 1, 4-5, 8-9, 15, 18-19, 22-23, 29, 31, and 34-35 is amended for further prosecution.

In the Office Action, the Examiner rejected Claims 1, 4-5, 8-9, 15, 18-19, 22-23, 29, 31, and 34-35 under 35 USC §112, first paragraph, for failing to comply with the written description requirement, and for containing subject matter not adequately described in the specification to reasonably convey possession of the claimed invention. Also in the Office Action, the Examiner further rejected Claims 1, 4-5, 8-9, 15, 18-19, 22-23, 29, 31, and 34-35 under 35 USC §112, second paragraph, for failing to clearly set forth the subject matter regarded as the invention.

On appeal, the Board affirmed the rejection of Claims under 35 USC §112, first paragraph, but only on enablement grounds. The Board specifically found that the Claims do meet the written description requirement of that statutory section. The Board reversed the rejection of Claims under 35 USC §112, second paragraph.

It is believed that the Claims as now amended obviate the sole basis of rejection remaining after the Board's Decision, namely the rejection under 35 USC §112, first paragraph, on enablement grounds. Accordingly, withdrawal of that rejection is respectfully requested.

It is believed that the subject Patent Application is now in condition for allowance, and such action is respectfully requested.

If there are any additional fees associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such additional fees.

Respectfully submitted,
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30 April 2010
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